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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Matt Carlin  
Commissioner

Thomas P. Hopkins  
Executive Director

### **Board Meeting Minutes – January 4, 2016**

### **21<sup>st</sup> Floor - Conference Room 3**

#### **Present Board Members:**

- Walter White, Chair (WW)
- Jeffrey Dougan, Massachusetts Office on Disability Designee
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)
- George Delegas, Member (GD)
- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

#### **Members Not Present:**

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at approximately 9:05 a.m.

#### **1) Discussion: Board Member Roll Call**

WW - all but RG present

2) Incoming: Spurr Classroom Building, Northern Essex Community College, 100 Elliott Street, Haverhill (V15-325)

- TH - EXHIBIT – variance application and supplemental information
- spending \$12,289,000; value is \$31 million +
  - seeking two variances
  - one for handrail requirements in Lecture Hall A and B, Center Aisle of Lecture Hall A, and seat side of Center Aisle of Lecture Hall B
  - providing compliant wall mounted handrails

*DM - grant as proposed for both Lecture Halls*

*AB - second – carries with JH abstaining*

- TH - 30.6.1 variance, toilet stall dimensions
- six existing bathrooms, where the stall dimensions are 60” by 71.5” (60” x 72”)

*JD - grant all as proposed*

*DM - second – carries with JH abstaining*

3) Incoming: Manning & Associates Physical Therapy, 19 Amelia Dr., Nantucket (V15-330)

- TH - EXHIBIT – variance application and supplemental information
- new building, 8,162 sq. ft.
  - 3 floors
  - basement, first floor and second floor are 2,584 square feet; loft of 486 sq. ft.
  - first floor is physical therapy business; second floor is two 2-bedroom apartments
  - seeking a variance for the Amelia Drive entrance of the building
  - primary entrance is at the rear, adjacent to the parking lot

*DM - grant as proposed, on the condition that there is no public use of the basement or loft space, and that the variance is for this use only*

*AB - second – carries with CS and JH abstaining*

***Raymond Glazier, Designee for Executive Office of Elder Affairs - now present (RG)***

4) Incoming: Association to Preserve Cape Cod, 482 Main St., Dennis (V15-329)

- TH - EXHIBIT- variance application and supplemental information
- conversion of single floor to non-profit office
  - spending \$40-48,000; value is \$163,500
  - work performed, just under 30%
  - seeking variance to install a lift at the rear entrance to the building
  - ramp showed in plans as being feasible, but want to provide lift instead
  - cost of lift is noted as \$8,000

- DM - lift is going to be more than \$8,000, and that will tip them over 30%

*DM - have staff talk to the petitioners about the 30% value, and trigger for other work; and the actual cost of the lift*

*RG - second – carries with JH and CS abstaining*

5) Incoming: Lovejoy Wharf, 131 Beverly St., Boston (V15-328)

TH - EXHIBIT – variance application and supplemental information  
- new high-rise 16 story, residential above, with commercial, retail and function facilities on the lower floors  
- 43.3.2, Group 1 sinks, proposing deeper sinks, with installation of compliant sink upon request

DM - *grant as proposed with standard conditions of upon request, no cost to tenant, and sinks in stock*

CS - *second – carries with JH abstaining*

TH - proposing drawer freezers, but freezer on top required by regulations

CS - *grant as proposed with same conditions as sink*

RG - *second – carries with JH abstaining*

TH - grab bars for Group 1 bathtubs  
- attachment with steel plate

DM - *grant as proposed*

CS - *second – carries with JH abstaining*

6) Incoming: Congregation Kehillath Israel, 384 Harvard St., Brookline (V15-331)

TH - EXHIBIT – variance application and supplemental information  
- spending \$12 million, over 30%  
- 37 variance requests

CS - *schedule a hearing*

AB - *second*

DM - would like to put it in the packet

CS - *withdrawn*

- *put it in the packet for January 25<sup>th</sup>*

DM - *second – carries with JH abstaining*

7) Incoming: Mass. College of Art and Design, 621 Huntington Ave, Boston (V15-327)

TH - EXHIBIT – variance application and supplemental information  
- spending \$25,087,531; stated over 30% at meeting with petitioners and members of DCAMM  
- seeking 3 variances  
- 53.5” to 47” between handrails of ramp

JD - *grant as proposed*

RG - *second – carries with JH abstaining*

TH - seeking a variance for six single user, unisex toilet rooms  
- 72” by 90” required; B1 99” by 88 ¼”

CS - *no variance required for B1*

GD - *second - carries JH abstaining*

TH - B2 9'5 1/8" by 88.5"

CS - *no variance required for B1*

GD - *second - carries JH abstaining*

TH - other four have 72" by 88.5"; 83.5"; 88.5"; and 88.5"

AB - *grant all as proposed*

RG - *second – carries with JH abstaining*

TH - grab bar clearance over the flush valve (521 CMR 30.8.3)

- distance between top of valve to grab bar

- 3" from the closest edge of the flushometer, 36" grab bar

- providing a full length grab bar, with only 1/2" clearance between flushometer and grab bar

DM - all automatic flush valves

DM - *grant as proposed*

RG - *second – carries with JH abstaining*

8) Incoming: Temple Beth Zion, 1566 Beacon St., Brookline (V15-323)

TH - EXHIBIT – variance application and supplemental information

- spending over 30% and a change in use

- product is addition of vertical wheelchair lift from second to third floor; proposing new accessible toilet room at the second floor as well

- 3.3.1b, work performed, spending \$810,000; value of the building is \$3 million +

- variance is for the use of lift

CS - *grant as proposed*

AB - *second – carries with JH abstaining*

9) Incoming: Volunteers in Medicine, 777 Main St., Suite 4, Great Barrington (V15-322)

TH - EXHIBIT- variance application and supplemental information

- multi-tenanted building; proposing to expand current space into adjacent unit

- spending \$150,000; value of entire building \$1 million +; no partial application

- no partial application analysis submitted

- seeking the use of an incline lift, to overcome the change in level between the two floors of the spaces

- the installation of a vertical wheelchair lift would create loss of one treatment room

CS - *grant as proposed, with the understanding that it complies in full with 521 CMR*

RG - *second – carries with JH abstaining*

10) Incoming: Hot Dog and Shish Kabob Store, 40 Hollis Street, Framingham (V15-320)

TH - EXHIBIT – variance application and supplemental information

- first floor take-out; 250 square feet

- spending \$15,000; tenant space value is \$6,312

- over 30% of tenant space

- variance for lack of access to the entrance
- EXHIBIT – e-mail from Karen Dempsey, Commission on Disability, January 3, 2015; support the variance request due to size and location, but would like accommodation of curb side service and any documentation not accommodation
- EXHIBIT – December 15, 2015, Fred Bray and Mark Dempsey of Framingham Building Department; support the variance request

*GD - grant as proposed*

*JD - second – carries with JH abstaining*

11) Incoming: Louie's Restaurant, 358 Waverly St, Framingham (V15-336)

- TH - EXHIBIT – variance application and supplemental information
- restaurant; seeking a variance to one of the entrances, slope of the ramp and the vestibule clearances
  - within 33' is a compliant accessible entrance
  - EXHIBIT – December 31, 2015 letter from building Department in support of request for variance
  - EXHIBIT – e-mail from January 3, 2015, Karen Dempsey of Commission on Disability; supported all three variance requests

*CS - grant all, with the conditions proposed by the commission included*

*RG - second – carries with JH abstaining*

12) Advisory Opinion: Adam Dash, Attorney; Somerville Client that wants truncated domes removed from the sidewalk, because feels as though they are a hazard

- TH - seeking an opinion about the removal of the truncated domes
- EXHIBIT – e-mail from attorney Adam Dash, dated December 23, 2015; previous e-mail on November 19<sup>th</sup>

*DM - do not provide opinion on this matter, since the Board does not have jurisdiction over this matter at present time*

*RG - second – carries with JH abstaining*

13) Incoming: Provincetown High School, 12 Winslow St., Provincetown (V15-321)

- TH - EXHIBIT – variance application and supplemental information
- heating and roofing project, proposed for bidding in 2016 and will exceed 30% of the value of the building
  - 25.1/25.2, lack of access at main entrance to the school
  - monumental stairs, and 7' grade change; would require 84' of ramp (\$406,458)
  - multiple accessible entrances throughout the building
  - part of the application is a letter of support from the commission on disability

*DM - grant as proposed*

*GD - second – carries with JH and JD abstaining*

***JD left the room***

14) Incoming: Sawyer Building, Suffolk University, 8 Ashburton Place, Boston (V15-324)

- TH - EXHIBIT – variance application and supplemental information
- renovation of offices, classrooms and bathrooms on all floors

- spending over 30%
- seeking 4 variances
- seeking a variance for the restroom door pull side clearance of 15" at level 0

*CS - grant as proposed*

*GD - second – carries with JH abstaining*

***JD now present***

TH - level O restroom, 72" by 90" required; 69 ½" by 90"

*AB - grant as proposed*

*GD - second – carries with JH and JD abstaining*

TH - seeking a time variance for two items  
 - rest of the buildings bathrooms are being worked on at different times; and the water fountains adjacent to the bathrooms  
 - proposing that once each toilet room is open for work, the water fountains will be completed as well  
 - all water fountains will be compliant in 5 years on floors 0-9

*RG - grant 3 years time variance for bathrooms and water fountains*

*GD - second – carries with JH abstaining*

**15) Incoming: Wellmet Project, 40 Everett St., Medford (V15-317)**

TH - EXHIBIT – variance application and supplemental information  
 - previously presented request for building permit issuance  
 - EXHIBIT – letter in objection of variances requested from Medford Commission on Disability

*CS - schedule a hearing*

*RG - second – carries with JH and DM abstaining*

***DM left the room***

**16) Incoming: 9 Unit Residential Building, 584 East Third St., South Boston (V15-318)**

TH - EXHIBIT – variance application and supplemental information  
 - new construction  
 - seeking a variance for the use of a vertical wheelchair lift to serve garage, foyer and first floor units  
 - corner post lift at one of the stops  
 - project is at construction docs

CS - why can't they put in a LULA?

*CS - deny*

*RG - second – RG and CS in favor, AB, GD and JD in favor; motion fails*

*JD - grant, on the condition that lift platform is 42" by 60", and is maintained*

*GD - second – carries with CS opposed and JH abstaining*

***DM now present and CS left the room***

17) Incoming: Lt. Peter M. Hansen Elementary School, 25 Pecunit St., Canton (V15-319)

TH - EXHIBIT- variance application and supplemental information  
- two-story addition being constructed; over 30%  
- seeking one variance for 30.6, requirement for alternative accessible stalls  
- they have gang bathrooms with 6 stalls in each bathroom, proposing to provide fully compliant unisex single user toilet in same location; but still subject to the requirement for the alternate accessible stall

*JD - grant as proposed*

*RG - second – carries with JH abstaining*

18) Incoming: University Hall, UMass Boston, 100 Morrissey Blvd. Boston (V15-333)

TH - EXHIBIT – variance application and supplemental information  
- seeking variance for ramp constructed with 46.5” between the handrails

*AB - grant*

*GD - second – carries with JH abstaining*

***CS now present***

19) Incoming: Stationary Factory Building, 63 Flansburg Ave., Dalton (V15-301)

TH - EXHIBIT – variance application and supplemental information  
- spending over 30%

*JD - grant as proposed*

*- withdrawn*

*JD - grant as proposed for 27.3*

*DM - second – carries with JH abstaining*

*JD - grant on the condition that the wall side handrail complies in full (27.4)*

*GD - second – carries with JH abstaining*

*JD - deny variance requested for West Stair*

*DM - second – carries with JH abstaining*

*JD - grant a 3 year time (March 1, 2019) variance for the lack of vertical access, with the condition that status reports are submitted every 6 months, starting March 1, 2016*

*GD - second – carries with JH abstaining*

*CS - have staff send a letter of support for the elevator board variance to use a freight elevator to be operated by licensed operator for passenger use*

*GD - second – carries with JH abstaining*

*JD - grant a variance for 3 years (March 1, 2019), on the condition that six month status reports are submitted every 6 months, starting March 1, 2016*

*RG - second – carries with DM opposed and JH abstaining*

20) Incoming Discussion: 22 Water Street, Cambridge (V14-090 & V15-202)

TH - EXHIBIT – December 16, 2015 submittal from Jennifer Sapochetti of Cosentini, including lease language addendums  
- most recent decision, asked them to send lease language for freezer location of refrigerators (Group 2A units) and shower clear floor space in front of shower (Group 1 units)  
- granted both variances on the condition that the policies are submitted

*DM - accept the submitted policy for refrigerators*

*JD - second – carries with JH abstaining*

*CS - accept the submitted policy for shower, with the condition that the language includes statement that the work will be done “within 60 days of the request”*

*DM - second – carries with JH abstaining*

*CS - add the language that accommodation will be done “within 60 days of the request”*

*DM - second – carries with JH abstaining*

21) Hearing: Richard A. and Susan F. Smith Campus Center, Harvard University, 1350 Massachusetts Ave., Cambridge (V15-191)

WW - called to order at 11 a.m.  
- introduce the Board

Gary Hammer, Harvard University (GH)

Susan Morgan, Bruner/Cott Architects (SM)

Rose Famosa, Bruner/Cott Architects (RF)

WW - GH and SM sworn in  
- EXHIBIT 1- AAB1-39

TH - only issue is 27.2, all other issues have been dealt with

GH - historic building contributing to the districts  
- stairway in question is also a significant historic characteristic for the building  
- seeking a variance for open riser and nosings  
- met with Michael Muehe, Cambridge Commission on Disability, and Larry Braman of the Inspectional Services Department for Cambridge

SM - portion of the building in question is a two-story building that serves the Health Services Center, stair is directly adjacent to elevators and reception desk

- AAB 37, stairs in question  
- stairs connect basement, first floor and second floor  
- stair is one-piece terrazzo cast in concrete treads  
- constructing infill panel would not allow the light to flow through without clear paneling, and would require drilling into the treads, and would require wet-drilling and a diamond bit to fasten the panels  
- the drilling in would cause treads to vibrate and possible flake and crack  
- also does not allow for settling if the panels are installed  
- mechanical fastening would have a negative impact on the surface and structural integrity of stairs  
- change of use of campus center, majority of health services will be on the upper levels



- compliant egress stair is also provided on floors basement thru 10
- also 2 full compliant stairs within the campus center

CS - stairs goes how many floors

SM - connect basement through third floor, same floors accessed by elevator, handrails will be brought into compliance

JH - how often are the stairs used?

SM - unable to project use, with the change of use from health services at the second floor to common use space

GD - reception desk location?

SM - it will be moved, to a direct location in front of the entrance, and there is a directory in the elevator lobby as well

AB - any attempt to drill to see the reaction of the stairs

SM - no, since in use by health services currently

RG - have you looked into epoxy adhesion of clear panels?

SM - have looked into that as a fall-back from mechanical fastener; no visible warning for epoxy failures, and concern with epoxy failure over time

GD - epoxy adhesion could create hazard with stair splitting for epoxy failure

DM - met with Michael Muehe and Larry Braman, but no letter of support

GH - did meet with them both, and they weren't opposed to it, contacted Michael Muehe again and he supports the variance

CS - *grant, based on the fact that the petitioners had proven that full compliance with applicable sections would be an excessive cost without substantial benefit to persons with disabilities*

GD - *second – carries with RG opposed and JH abstaining*

### ***Break for lunch***

22) Hearing: 33-35 Bowdoin Street, Boston (V15-294) - Variance

WW - called to order at 1 p.m.

- introduce the Board

Jan Steenbrugge, Ad Meliora, LLC (JS)

Joe Hanley, Counsel for 33-35 Bowdoin Street (JoH)

Paul Soughley, Ad Meliora (PS)

Michael Ross, Prince Lobel (MR)

Michael Olson, Beacon Hill (MO)

Doug Kelleher, Epsilon Assocs. (DK)

Jim Alexander, Finegold Alexander (JA)

Regan Shield Ives, Finegold Alexander (RS)

WW - all but MR and JoH

CS - friends with MR, no objection to CS sitting

WW - EXHIBIT 1 – AAB1-87

JoH - thank you for holding hearings and for TH help with filing variance  
- 35 Bowdoin St. former St. John the Evangelist Church, built 1831/33  
- 4 story structure  
- purchased the property in March of 2013 to convert to residential use, with office use at main level of church and mezzanine level  
- office use is the reason for the variance request  
- approved by ZBA for project on December 8, 2015  
- letter from Boston Preservation Alliance, speaking to appropriateness of variance request before the B Board

WW - accept the letter from Boston Preservation Alliance, dated December 29, 2015 – EXHIBIT 2

JoH - AAB17, memo regarding variance appeal  
- there is currently no compliant access to the church at front or rear  
- there is also a Mass Historic restriction for changes to exterior and interior (AAB45)  
- existing egress at the rear (over Temple St.), park between Temple Street and the building, was once owned by the Church, given to adjacent Suffolk University, with an emergency egress easement through the door at the rear of the church  
- all elements inside the building will be accessible, with an elevator from ground level up to mezzanine level  
- memo from Mr. Finegold, architect, summarizing the variances requested (AAB21)  
- Historic Preservation Consultant Doug Kelleher from Episolon statement (AAB23) and the Mass. Historic Restricted Covenant  
- have worked with stewards of the park for a stone dust walkway and self closing gate, working with Parks Department about this matter  
- have discussed advertising requirements for the office spaces, and directional signage at Bowdoin Street

RS - AAB43, pictures of the existing site  
- 33 Bowdoin (Vickers House) will be separated from 35 Bowdoin Street after construction is complete  
- current Temple Street park entrance is into 33 Bowdoin, it will be changed to enter the 35 Bowdoin entrance  
- would define the path to the accessible entrance  
- elevator will be inserted in the front of the building, down to the lower level new toilet rooms or up to the mezzanine level  
- bell or signal proposed at the door as well  
- entire front entrance would have to be a ramp, would have to lower the sill of the existing door and modify the side granite entrance  
- access to the adjacent 33 Bowdoin St, would require steps up to the private condo, up to the residential unit at 33 Bowdoin  
- other option is to raise entrance foyer, but would require steps to get down to the residential unit entrance (33 Bowdoin) and down to the mechanical area  
- making the modifications to the exterior of the building would also need to be vetted by Mass. Historic

TH - copies of the letters received on December 19, 2015 Boston Parks letter

- WW - EXHIBIT 3 – accept letter from Boston Parks
- JoH - MR worked with Parks Department and with community outreach for the Zoning case  
- no opposition from Beacon Hill Civic Association and abutters
- MR - plan to be before Beacon Hill Architectural Commission and continue to work with Mass Historic  
- issue is very different than 40 Temple Street  
- the church previously owned the church prior to giving it to Suffolk  
- there is an existing door and pathway from the church into Temple Street park; along with emergency exit easements through park for the building in question  
- four different sets of maps of the park (submit as Exhibit digitally after the hearing)
- WW - accept as EXHIBIT 4
- MR - Denise Hershel is the landscape architect for the parks for the Temple Street park, these three drawings were done by her (first two plans)  
- all of the designs show the door to the 33-35 Bowdoin Street rear entrance  
- third plan, unsure of designer; fourth is the Beacon Hill Garden Club  
- owned by church, then Suffolk University, then by Boston Parks Department  
- plans were from 1991 and 1992
- JoH - AAB59-64, granting of easement to the church
- MR - March of 2002, City of Boston took the park as a public park, been in their possession ever since
- WW - was that a taking of the property or was it sold to the City
- MR - Suffolk was in support of the taking
- CS - costs associated with the different designs?  
RS - no hard numbers, other than rough estimates  
- a lot of utilities are under the Bowdoin Street entrance, and that would add to costs as well
- CS - December 19, 2015 letter from Parks Dept. after the ZBA decision
- JoH - required a use, parking, and rear yard, and conditional use variances from ZBA  
- no opposition to the variance requested and approved by the ZBA
- CS - what makes it an emergency egress only
- MR - one of the requirements of the Parks Department was to appear before this Board and then Mass Historic, and Beacon Hill Architectural Commission  
- Parks Department will not approve the route without going before these boards and committees  
- the Parks Dept. could in the end, not allow the use of the park as a means of route to the building
- CS - could you add lighting?  
MR - yes, would create something that complements the park, and include lighting and added trees  
- will also maintain the route to the rear accessible entrance
- CS - at this moment how accessible is the route?  
MR - it is currently flat, but is not accessible fully

JH - minor work to make the existing door at Temple Street park required; what is that work?  
RS - will modify the door to provide the proper clearances  
- may have a bell as well, just for notification  
JA - at Temple, only have to change the door frame  
- at Bowdoin, would have to do a lot more work to build access and rebuild the wall between the church and the adjacent townhouse

JoH - further impacted by Mass Historic requirements  
- Mass Historic has reviewed the Temple Street entrance proposal, and have viewed that favorably  
- the Bowdoin Street modifications were not presented to Mass. Historic, since they would most likely not be approved by Mass. Historic

GD - how would the access into the building work?  
JoH - emergency egress easement is going to be reworded to include the language about accessible entrance  
- what about driving to the space?  
JoH - the existing conditions have no parking

GD - use of stonedust for walkway, requires a lot of maintenance, why not another material?  
MR - spent a lot of time thinking about the walkway path  
- there are 6 adult trees in the park that require drainage  
- would have a maintenance agreement with the Parks Department for maintenance of the stonedust park  
- the path would be stonedust, and the park surface would remain bricks  
- trees are 48" apart and the 40" walkway is between those two trees, so need a permeable surface to get water to the rootballs of the trees

AB - what is the status of the acceptance of this plan from the Parks Department  
MR - need to get approval from this Board, Mass Historic and the Beacon Hill Architectural Commission; and the Park Departments will not review the request for the route until these entities approve the proposed design for the Temple Street park access  
- historic route into the building in question from the Temple Street park  
- in a consultation phase with Beacon Hill Architectural Commission; in ongoing conversations with Mass Historic as well; but do not have dates for either of these entities

JoH - did have an advisory review session already before the Beacon Hill Architectural Commission and it was reviewed favorably  
- could not apply to BHAC until the Zoning Board of Appeals decision was rendered

RG - concerned about lack of cost estimates for rear entrance of the building  
- very close to 30% trigger

JoH - basis of 30% was a million for the build-out of the office  
- small office space, occupied by the owners and their professional office usage  
- unlikely to be more than \$1,000,000  
- most of the elements of the sanctuary have to remain, so temporary office setup structures within the building

DM - area in question, the park?  
JA - park is brick on a concrete base, piece that is being extended is the path of travel to the building

- RS - existing brick, proposing that where the new path meets the brick, would lower granite curbing and bring the stone dust up to the park bricks  
 - the wrought iron fence will be maintained with a self-closing gates
- DM - any talks with Commission on Disability  
 MR - have not talked directly to Kristen McCosh  
 JoH - no opinion submitted, but no objection  
 - worked very close with the Mayor's office on this project
- DM - what were the slopes of the proposed ramps at Bowdoin Street  
 RS - it would be 1:12, but would require ramps at the interior and exterior of the building
- DM - railings don't have to be extended at the bottom of the ramp  
 RS - more an issue regarding the steepness of Bowdoin, and as a safety precaution  
 JoH - the extensions were provided in the proposed plans as a safety precautions
- DM - plans for the parks submitted, none were ever implemented  
 MR - no, they were implemented, the Denise Hershel, April 1992 plan is how the park currently looks  
 - there is a recorded easement in the deed that speaks to "emergency egress"
- DM - who owned the park when the easement was given  
 MR - at the time that the park was sold to Suffolk by the Church, it was part of the sale in 1992  
 - and that easement runs with the lands  
 - prior to the City Parks Department taking and the easement is still part of the property
- WW - when was the park built?  
 MR - unsure of exact date  
 - prior to that it was an area where people from Suffolk went to smoke cigarettes  
 - Beacon Hill Community raised some funds to make the changes; and Suffolk also contributed funds
- TH - question 11A, estimated cost of construction \$1,000,000  
 - what about the residential unit renovation costs, is that included?  
 JoH - no, that work is not included in the \$1,000,000; the residential renovation will bring the project over 30% of the value of the building
- CS - what is the route from Bowdoin Street to Temple Street  
 JA - would have to go up Bowdoin, turn onto Derne Street and down Temple Street
- CS - if variance is granted with the contingency that the park entrance is provided  
 MR - could appeal the decision of the Parks Department, so if park access is not allowed, could appeal, or could come back to the Board with alternate options for access or amended variances
- DM - do you have a site plan?  
 RS - AAB 41, site plan  
 WW - AAB33
- DM - but that plan is not as detailed

*DM - take the matter under advisement, and have the Petitioners submit a site plan, showing the accessible route to the proposed accessible entrance; as well as detailed cost estimates for the proposed; and amendment of variance for the 30%*

*- continue for more information, have the Petitioners submit a site plan and detailed accessible route plans showing the proposed accessible entrance; as well as detailed cost estimates for the proposed work, and an amendment of the variance for the 30% triggered items; all to be submitted by January 19, 2016*

*RG - second – carries with JH abstaining*

***DM left for the day***

23) Hearing: Bridge Over Troubled Waters, Inc., 3-5 Abby Road and 68-70 Waverly Street, Brighton (V15-097)

WW - called to order at 2:35 p.m.  
- introduce the Board

Lauren Sanders, Davis Square Architects (LS)  
Elisabeth Jackson, Bridge Over Troubled Waters Executive Director (EJ)  
Clifford Boehmer, Davis Square Architects (CB)

WW - all sworn in  
- EXHIBIT 1 – AAB1-52

EJ - been around for 45 years, work with homeless and runaway kids  
- have had the house in question for 30 years  
- main age is 18-20, teach them how to cook, clean, budget money, make appointments, and other life skills  
- completely supervised home, goal is to move these children from  
- \$4 million budget, 75% private funders, 5% is other funding resources, 20% is federal funding  
- there are two homes, one for kids and one for kids that are single parents

CB - not the original architects for the project  
- had to replace the original architect  
- tried to review the project and reduce the number of variances that were requested by the original architect  
- also found items that should have been on the original application and were not

LS -the smaller building is on Abby Street (learning program building), Waverly Street is the home for single mothers  
- proposing accessible laundry on both of the accessible floors  
- AAB37, plan shows accessible route to common deck via compliant ramp from Waverly Street, which accesses both buildings  
- compliant ramp to the back yard as well  
- public common use space, seeking a variance  
- accessible floor of each building offers accessible room, staff office, laundry, kitchen area and common spaces  
- also a kids play area located in the mothers' building; with a second play area on the second floor (AAB28)  
- people are encouraged to come to the first floor to socialize

- GD - how many accessible units are there?  
 LS - there are two, one in each building
- GD - how many units?  
 LS - 11 units for mothers and 15 for learning program
- CS - any kids with disabilities in the program in the past?  
 EJ - one in the past 10 years  
 - but the kids that come to Bridge are not connected to another State system; we get the kids that fall through the state services cracks  
 - the kids have to live in the house for 18 months at least
- GD - why is the 3<sup>rd</sup> unit on the ground floor not made accessible?  
 EJ - that unit is for the younger mothers that will be in the program for awhile; the one person that was in the program before with a wheelchair, found accessible housing for her and still supported her with funds
- JD - grant as proposed for the lack of access to the second floor play area space at 70 Waverly*  
*RG - second – carries with JH abstaining*
- LS - next variance for entrances; secondary entrance to Waverly and primary entrance to Abby  
 - primary entrance for Waverly is at the rear, all of the residents have to be buzzed into the building by staff  
 - front stairs are a secondary entrance for staff and emergency egress  
 - not enough room for a ramp or lift at the Waverly Street, street side entrance  
 - primary entrance to Abby is on Abby Road  
 - ramp to this entrance would go over the sidewalk and be over the property line  
 - a lift would fit within the property line, but the door would swing into the sidewalk  
 - both doors are used for Abby building, and both will have buzzers, but residents are encouraged to use the common porch accessible entrance
- EJ - a lot of the kids use the ramp and go to the back of the building
- RG - any cover for the ramps?  
 LS - no, already went through zoning  
 EJ - they have a maintenance worker that maintains the building (24 hours); but also have kids that sign up to help with maintenance
- GD - so everyone uses the ramps  
 EJ - yes, and all the mothers use the ramp for baby carriages
- CS - grant for both entrances, on the condition that the ramps are lit and well maintained*  
*JD - second – carries with JH abstaining*
- LS - no variance for stairs, all existing stairs will be removed and replaced with fully compliant stairs  
 - variance for lack of vertical access
- JD - grant variance for the lack of vertical access within both buildings, for this use only*  
*RG - second – carries with JH abstaining*
- LS - currently 6 kitchens, none compliant

- demolishing all kitchens
- two new full kitchens that will be fully compliant (one in each building)
- kitchenette at the other side of the Waverly Building will not be accessible, but on the same floor as the accessible kitchen
- the program encourages family dining and cooking, so that will be done in the full kitchens

CS - *grant the lack of access at the kitchenette*  
 RG - *second – carries with JH abstaining*

24) Incoming Discussion: Mass Dot Knowledge Corridor, Northampton (V14-016) and Greenfield Station (V14-017)

- TH - EXHIBIT – letter from MassDOT Astrid Glynn, dated December 31, 2015
- previously granted a time variance for the construction of full-high platforms by December 31, 2015
  - latest letter from Astrid Glynn, stated that the 46 foot long platforms are completed and have been in use since December 29, 2014; mini-high platforms that were created for all people to approve
  - proposing to complete full high platforms that create access to all cars of the trains
  - seeking until February 1, 2016 to advise the Board of their plans towards compliance
  - the mini-highs were supposed to be temporary in nature

JD - *grant the extension request to February 1, 2016 to submit advisement on progress towards compliance*  
 AB - *second – carries with JH abstaining*

JD - *motion to rescind previous motion*  
 AB - *second – carries with JH abstaining*

CS - *deny and schedule a hearing*  
 JD - *second – carries with JH abstaining*

25) Incoming: Rolling Ridge Retreat and Conference Center, 660 Great Pond Rad., North Andover (V15-335)

- TH - EXHIBIT – variance application and supplemental information
- seeking 12 variances
  - should send in Board packet

JD - *put in packet for 1/25/16*  
 RG - *second – carries with JH abstaining*

26) Incoming: Mixed-Use Building, 171 Newbury St., Boston (V15-332)

- TH - EXHIBIT – variance application and supplemental information
- sub basement, basement and 4 stories above grade
  - retail use in basement and ground floor, private offices on the floors above
  - spending over 30%
  - amendment submitted on December 23<sup>rd</sup>

AB - *schedule a hearing*  
 JD - *second – carries with JH abstaining*

27) Incoming: Seaport Square B and C, 23-55 Northern Ave., Boston (V15-334)



- TH - EXHIBIT – variance application and supplemental information  
- mixed use building, and parking garage with three stories of parking  
- residential units and commercial and retail at the first floor  
- new construction  
- work in under way  
- seeking relief for outlet location in residential units (apartments)

*JD - grant as proposed*

*AB - second – carries with JH abstaining*

- TH - kitchen sink requests for the Group1 and Group 2 units

*JD - grant as proposed with normal conditions for the sink installation (be provided upon request, at no cost, within 60 days)*

*CS - second – carries with JH abstaining*

28) Incoming: Unifirst Corporation, 295 Parker St., Springfield (V15-326)

- TH - EXHIBIT – variance application and supplemental information  
- seeking relief for the lack of vertical access to the second floor

*CS - deny*

*JD - second – carries with JH abstaining*

29) Advisory Opinion: EnviroBusiness, Inc., 21 B Street, Burlington

- TH - EXHIBIT – letter from Mathieu Gagne, dated December 17, 2015  
- two-story office building  
- EBI wishes to renovate interior finishes  
- second floor will not be open to the public  
- common area at the second floor are duplicated at the first floor  
- want to know if the Board’s regulations apply

*CS - any spending on the building is relevant to the 30% spending analysis, and have to submit a sworn affidavit regarding employee only spaces*

*JD - second – carries with JH abstaining*

30) Incoming Discussion: RTH Restoration Housing, 32 Fenwood Road, Cambridge (V14-192)

- TH - EXHIBIT – submittal from Cliff Boehmer of Davis Square Architects, received today, January 4, 2016  
- built a ramp, have one spot that pinches to 47” clear between the handrails

*JD - grant lack of clear width at one pinch point*

*AB - second – carries with JH abstaining*

- TH - handrails at ramp are not continuous at one location  
- there is an existing downspout, where the handrail terminates and then restarts at the other side

*AB - deny*

*RG - second – carries with JH abstaining*

31) Discussion: Minutes from December 14, 2015

KS - any changes

AB - *accept*

JD - *second – carries with JH and CS abstaining*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- Advisory Opinion - Adam Dash, Attorney; Somerville Client that wants truncated domes removed from the sidewalk, because feels as though they are a hazard - e-mail from attorney Adam Dash, dated December 23, 2015; previous e-mail on November 19<sup>th</sup>
- Mass Dot Knowledge Corridor, Northampton (V14-016) and Greenfield Station (V14-017) - letter from MassDOT Astrid Glynn, dated December 31, 2015

EXHIBITS:

- 22 Water Street, Cambridge (V14-090 & V15-202) - December 16, 2015 submittal from Jennifer Sapochetti of Cosentini, including lease language addendums
- RTH Restoration Housing, 32 Fenwood Road, Cambridge (V14-192) - submittal from Cliff Boehmer of Davis Square Architects, received today, January 4, 2016
- EnviroBusiness, Inc., 21 B Street, Burlington – advisory opinion request letter from Mathieu Gagne, dated December 17, 2015
- Spurk Classroom Building, Northern Essex Community College, 100 Elliott Street, Haverhill (V15-325) - variance application and supplemental information
- Manning & Associates Physical Therapy, 19 Amelia Dr., Nantucket (V15-330) - variance application and supplemental information
- Association to Preserve Cape Cod, 482 Main St., Dennis (V15-329) - variance application and supplemental information
- Lovejoy Wharf, 131 Beverly St., Boston (V15-328) - variance application and supplemental information
- Congregation Kehillath Israel, 384 Harvard St., Brookline (V15-331) - variance application and supplemental information
- Mass. College of Art and Design, 621 Huntington Ave, Boston (V15-327) - variance application and supplemental information
- Temple Beth Zion, 1566 Beacon St., Brookline (V15-323) - variance application and supplemental information
- Volunteers in Medicine, 777 Main St., Suite 4, Great Barrington (V15-322) - variance application and supplemental information
- Hot Dog and Shish Kabob Store, 40 Hollis Street, Framingham (V15-320) - variance application and supplemental information; e-mail from Karen Dempsey, Commission on Disability, January 3, 2015; support the variance request due to size and location, but would like accommodation of curb side service and any documentation not accommodation; December 15, 2015, Fred Bray and Mark Dempsey of Framingham Building Department; support the variance request
- Louie's Restaurant, 358 Waverly St, Framingham (V15-336) - variance application and supplemental information; December 31, 2015 letter from building Department in support of request for variance; e-

mail from January 3, 2015, Karen Dempsey of Commission on Disability; supported all three variance requests

- Provincetown High School, 12 Winslow St., Provincetown (V15-321) - variance application and supplemental information
- Sawyer Building, Suffolk University, 8 Ashburton Place, Boston (V15-324) - variance application and supplemental information
- Wellmet Project, 40 Everett St., Medford (V15-317) - variance application and supplemental information; letter in objection of variances requested from Medford Commission on Disability
- 9 Unit Residential Building, 584 East Third St., South Boston (V15-318) - variance application and supplemental information
- Lt. Peter M. Hansen Elementary School, 25 Pecunit St., Canton (V15-319) - variance application and supplemental information
- University Hall, UMass Boston, 100 Morrissey Blvd. Boston (V15-333) - variance application and supplemental information
- Stationary Factory Building, 63 Flansburg Ave., Dalton (V15-301) - variance application and supplemental information
- Rolling Ridge Retreat and Conference Center, 660 Great Pond Rad., North Andover (V15-335) - variance application and supplemental information
- Mixed-Use Building, 171 Newbury St., Boston (V15-332) - variance application and supplemental information
- Seaport Square B and C, 23-55 Northern Ave., Boston (V15-334) -variance application and supplemental information
- Unifirst Corporation, 295 Parker St., Springfield (V15-326) - variance application and supplemental information